



# PUBLIC NOTICE

Federal Communications Commission  
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DA 05-1935  
July 1, 2005

## COMMENTS INVITED ON APPLICATION OF AXIUS, INC. D/B/A AXIUS COMMUNICATIONS TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-222  
Comp. Pol. File No. 716

Comments Due: July 15, 2005

### Section 214 Application

Applicant: AXIUS, Inc. d/b/a AXIUS Communications

On June 17, 2005, AXIUS, Inc. d/b/a AXIUS Communications (AXIUS or Applicant) located at 2300 N 10<sup>th</sup> St., Enid, Oklahoma 73701, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of domestic and international<sup>1</sup> telecommunications services in Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, Texas, Virginia, West Virginia, and Wisconsin.

AXIUS indicates that it is a reseller of domestic and international long distance services carried over the underlying networks owned and operated by Qwest and Global Crossing. AXIUS states that it is no longer economically feasible for it to continue current service offerings, and it proposes to discontinue these services in the affected areas on June 10, 2005, or as soon thereafter as the necessary governmental approval can be obtained. AXIUS indicates that it notified all affected customers of the proposed discontinuance by letter dated May 11, 2005. AXIUS states that it is non-dominant with respect to these services.

In accordance with section 63.71(c) of the Commission's rules, AXIUS's application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies AXIUS that the grant will not be automatically effective. Accordingly, pursuant to section 63.71(c), absent further Commission action, AXIUS may not terminate service until **August 1, 2005**. The Commission will normally authorize proposed discontinuances of

<sup>1</sup> Discontinuance of international service is governed by 47 C.F.R. § 63.19.

service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **July 15, 2005**. Such comments should refer to **WC Docket No. 05-222 and Comp. Pol. File No. 716**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), [carmell.weathers@fcc.gov](mailto:carmell.weathers@fcc.gov), or John Adams, (202) 418-0394 (voice), [john.adams@fcc.gov](mailto:john.adams@fcc.gov) of the

Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit [http://www.fcc.gov/wcb/cpd/other\\_adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

-FEDERAL COMMUNICATIONS COMMISSION-